

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claims 23 and 31, and the addition of new claims 39 and 40, claims 18 to 22, 24 to 30 and 32 to 40 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all of the certified copies of the priority documents have been received from the International Bureau.

### **II. Rejection of Claims 18 to 23 Under 35 U.S.C. § 102(b)**

Claims 18 to 23 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,358,172 ("Hiegemann"). While Applicant does not agree with the merits of this rejection, to facilitate matters, claim 23 has been cancelled. It is respectfully submitted that Hiegemann does not anticipate claims 18 to 22 as amended herein for at least the following reasons.

As an initial matter, the Examiner will note that claim 18 as amended, for example, recites that the compact drive includes a frequency converter arranged laterally in a direction orthogonal with respect to the rotor shaft and a housing wherein the two sides of the output shaft are accessible to provide a two-sided power take-off. Support for this amendment may be found, for example, at page 2, lines 1 to 5 and page 11, lines 1 to 2 of the Specification and in Figure 2. Arranging the frequency converter laterally in a direction orthogonal to the rotor shaft allows the overall axial length to be reduced and the two sides of the output shaft to be accessed for a two-sided power take-off.

Referring to the Figure 1 of Hiegemann, it is plainly apparent that Hiegemann does not disclose, or even suggest, that a frequency converter is arranged laterally in a direction orthogonal with respect to a rotor shaft. Furthermore Hiegemann does not disclose, or even suggest a housing in which two sides of an output shaft are accessible to provide a two-sided power take-off. As such, it is respectfully submitted that Hiegemann does not anticipate claims 18 to 22.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**III. Rejection of Claims 18, 21, 22 and 28 Under 35 U.S.C. § 102(b)**

Claims 18, 21, 22 and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,950,797 (“Aulanko”). It is respectfully submitted that Aulanko does not anticipate the present claims for at least the following reasons.

Aulanko does not disclose, or even suggest, that a frequency converter is arranged laterally in a direction orthogonal with respect to a rotor shaft.

Accordingly, Aulanko fails to disclose, or even suggest, all of the features included in claim 18. As such, it is respectfully submitted that Aulanko does not anticipate claim 18 or claims 21, 22 and 28, which ultimately depend from claim 18.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 18 to 20, 24, 25, 31 and 32 Under 35 U.S.C. § 103(a)**

Claims 18 to 20, 24, 25, 31 and 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 5,568,858 (“Thompson”) and Aulanko. While Applicant does not agree with the merits of this rejection, to facilitate matters, claim 31 has been cancelled. It is respectfully submitted that the combination of Thompson and Aulanko does not render unpatentable claims 18 to 20, 24, 25 and 32 for at least the following reasons.

Claims 20, 24, 25 and 32 ultimately depend from claim 18 and therefore include all of the features included in claim 18. As more fully set forth above, Aulanko does not disclose, or even suggest, all of the features included in claim 18. Thompson does not cure the critical deficiencies of Aulanko. As such, it is respectfully submitted that the combination of Thompson and Aulanko does not render unpatentable claim 18 or claims 19, 20, 24, 25 and 32, which ultimately depend from claim 18.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**V. Rejection of Claims 26 and 27 Under 35 U.S.C. § 103(a)**

Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Hiegemann and U.S. Patent No. 6,492,742 (“Fujikawa”). It is respectfully submitted that the combination of Hiegemann and

Fujikawa does not render unpatentable the present claims for at least the following reasons.

Claims 26 and 27 ultimately depend from claim 18 and therefore include all of the features included in claim 18. As more fully set forth above, Hiegemann does not disclose, or even suggest, all of the features included in claim 18. Fujikawa does not cure the critical deficiencies of Hiegemann. As such, it is respectfully submitted that the combination of Hiegemann and Fujikawa does not render unpatentable claims 26 and 27, which ultimately depend from claim 18.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**VI. Rejection of Claim 30 Under 35 U.S.C. § 103(a)**

Claim 30 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Hiegemann and U.S. Patent No. 3,149,499 (“Schmitter”). It is respectfully submitted that the combination of Hiegemann and Schmitter does not render unpatentable the present claims for at least the following reasons.

Claim 30 depends from claim 18 and therefore includes all of the features included in claim 18. As more fully set forth above, Hiegemann does not disclose, or even suggest, all of the features included in claim 18. Schmitter does not cure the critical deficiencies of Hiegemann. As such, it is respectfully submitted that the combination of Hiegemann and Schmitter does not render unpatentable claim 30, which depends from claim 18.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**VII. Rejection of Claims 18 to 22, 26, 28, 29 and 31 to 38 Under 35 U.S.C. § 103(a)**

Claims 18 to 22, 26, 28, 29 and 31 to 38 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of European Published Patent Application No. 1 231 701 (“Ohnuma”) and Aulanko. While Applicant does not agree with the merits of this rejection, to facilitate matters, claim 31 has been cancelled. It is respectfully submitted that the combination of Ohnuma and Aulanko does not render unpatentable claims 18 to 22, 26, 28, 29 and 32 to 38 for at least the following reasons.

As more fully set forth above, Aulanko does not disclose, or even suggest, all of the features included in claim 18. Ohnuma does not cure these critical deficiencies. As such, it is respectfully submitted that the combination of Ohnuma and Aulanko does not render unpatentable claim 18 or claims 19 to 22, 26, 28, 29 and 32 to 38, which ultimately depend from claim 18.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **VIII. New Claims 39 and 40**

New claims 39 and 40 have been added herein. It is respectfully submitted that claims 39 and 40 add no new matter and are fully supported by the present application, including the Specification.

Regarding claim 39, it is respectfully submitted that claim 39 is patentable over the applied references for at least the reason that the applied references do not disclose or even suggest all of the features of claim 39.

Regarding claim 40, it is respectfully submitted that claim 40 is patentable over the applied references for at least the reason that the applied references do not disclose or even suggest all of the features of claim 40.

#### **IX. Information Disclosure Statement**


Regarding the Information Disclosure Statement filed on November 9, 2005, please note that a Supplemental Information Disclosure Statement, including copies of the foreign patent documents allegedly not received, will be submitted under separate cover.

**X. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: February 27, 2008

By:   
Clifford A. Ulrich  
Reg. No. 42,194

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
CUSTOMER NO. 26646